

LIQUOR ADVISORY BOARD
Tuesday, September 16, 2008
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Dan Roszkowski
Alicia DiBenedetto
Julio Salgado
Craig Sockwell
Scott Sanders

Absent: Aaron Magdziarz

Staff: Todd Cagnoni – Deputy Director, Community & Economic
Development, Construction & Development Services
Sandra Hawthorne – Administrative Assistant
Jon Hollander - City Engineer, Public Works
Jennifer Cacciapaglia – City Attorney, Liquor Commission
Chief Frank Schmitt - Fire Prevention Division

Others: Alderman Lenny Jacobson (left at 6:15 PM)
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by Craig Sanders to **APPROVE** the minutes of the August 19, 2008 meeting as submitted. The **MOTION** was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0, with Aaron Magdziarz absent.

08-LAB-017 2338 Charles Street
Applicant John Edward Helland / Foxy's
Ward 2 Sale of alcoholic liquor by the drink in conjunction with a tavern in a C-3,
Commercial General District
Laid Over from June, July and August meetings

This item was laid over from the June, July and August meetings with instructions to the Applicant to provide Staff with a business plan, a security plan, a more detailed landscaping plan, and a parking plan. Acting Chairman Roszkowski noted that this item has been discussed at the June, July and August meetings. He recognized that information had been received and opened the item for discussion by the Board.

Mr. Sanders wished to make it known that had this information been provided by the Applicant 3 months ago when requested by the Board, a decision could have been made at the June meeting. Both he and Ms. DiBenedetto stated they are comfortable with supporting this project after reviewing the information provided.

Mr. Cagnoni explained that Staff has met with the Applicant and with Dick Hynes, Architect, regarding landscaping for this property, which resulted in the site plan submitted. He stated that if the Board wished to approve, conditions of Approval be added. Attorney Cacciapaglia added her recommendation that if the Board chose to approve this project that it be conditioned to each and every item submitted by the applicant, including the parking agreement. The Board was in agreement to adding conditions of Approval.

Staff Recommendation remained at for Denial.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of alcoholic liquor by the drink in conjunction with a tavern in the name of John Edward Helland d/b/a Foxy's in a C-3, Commercial General District at 2338 Charles Street with conditions 1 through 7. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions.

1. Meet all Building and Fire Codes
2. All terms described within the exhibits and documents submitted September 5, 2008 to be adhered to except as amended in these conditions.
3. Hours of operation to be consistent with the hours allowed under the liquor code
4. Parking agreement with Continental Antiques, 2305 Charles Street as submitted July 10, 2008, to remain in effect during the length of operation of this business
5. Property to be developed in accordance with submitted site plan as prepared by Dick Hynes, Architect.
6. That a landscape plan with plant species to be identified be submitted for Staff review and approval.
7. That the conditions of approval be satisfied prior to issuance of liquor license.

08-LAB-023 5801 Columbia Parkway

Applicant Paul G. Glendenning d/b/a Captain's Pub

Ward 14 Sale of alcohol by the drink in conjunction with a bar/tavern and
 within an outdoor seating area in a C-3, General Commercial Zoning District

The subject property is located west of the intersection of Columbia Parkway and Harrison Avenue in the Harrison Market Plaza strip mall, and is the easternmost tenant space consisting of approximately 1,495 square feet. Paul Glendenning, Applicant, reviewed the request. He wished to amend some of the information provided with the application. The size of the tenant space has changed from 1,495 square feet to 1,708 square feet with seating for 50 people. He is also requesting a change in the hours of operations to be consistent with what the liquor code allows, thus modifying Staff conditions of Approval 3, 4, and 5. He wished to clarify that the security plan that stated 2-3 part time security personnel did not mean that security would be on site all the time. Security hours would be determined by management, if needed. Mr. Glendenning verified there would be no cover charge, disc jockey, or night club operation. The design of the layout was changed to allow an enclosed area to the rear of building for smoking; however, no alcohol or food will be served in that area. There has been an increase in space for the bathrooms, as well as an increase in the space allowed for a cooler. Parking is more than sufficient for this use. Mr. Cagnoni stated staff report needed to be in line with the plan submitted with the application, and conditions of approval were based on that information; however the Applicant had the option to modify his application at the meeting should the Board agree.

Mr. Sanders asked Attorney Cacciapaglia to clarify if the Applicant stated hours of operation that were less than what the liquor law allowed, would they be held to those hours or could they go to liquor hours. She explained that if they exceed the times of operation as presented in conditions of approval, the City could take steps to revoke their liquor license. She also requested that a condition of approval be added to specify that no cover charge, live entertainment or disc jockey be allowed and that the facility not be used as a night club.

Mr. Cagnoni clarified that the application does include outdoor sales. He further explained the smoking area is not something that Staff regulates as far as whether alcohol can be taken outside.

Staff Recommendation was for Approval with 7 conditions and Mr. Cagnoni stated Staff was comfortable modifying the conditions of hours of operation. No Objectors were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of alcohol by the drink in conjunction with a bar/tavern and within an outdoor seating area in the name of Paul G. Glendenning d/b/a Captain's Pub in a C-3, General Commercial Zoning District at 5801 Columbia Parkway with modifying conditions pertaining to hours of operation, and added conditions 6 and 7. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of alcohol shall be limited to the interior site plan and outdoor seating area that was submitted.
4. The outdoor seating area must be enclosed by a fence of at least five (5) feet in height and approved by Staff.
5. There shall be no cover charge
6. No disc jockey, live entertainment, or use as a night club.
7. Hours of operation to be consistent with the hours allowed under the liquor code.

With no further business to come before the Board, the meeting was adjourned at 6:25 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board